

REMARKS/ARGUMENTS

Applicant would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action, and amended as necessary to more clearly and particularly describe the subject matter which applicant regards as the invention.

The Examiner rejected claims 1-4 under 35 U.S.C. 102(e) as being anticipated by Futatsugi et al., U.S. Pat. No. 6,074,226.

Futatsugi does not teach all the limitations of claim 1. More specifically Futatsugi does not teach “wherein the joining portions of said two contact members are respectively disposed at mutually opposite ends of said base member.” The joining portions 5 and 6, as defined in the present application, are the portion of the contact that is joined (for example, soldered) to the printed circuit board. Referring to FIGURE 21 of Futatsugi, FIGURE 21 clearly shows that both termination sections 94 extend to the same side of the housing 80 of the card connector 40. The terminations sections 94 in Futatsugi are the portions of the contact 92, 102 that are soldered to the printed circuit board as described in column 7, lines 9-11 and again in lines 22-24. Thus, Futatsugi does not teach where the joining portions are disposed at opposite ends of the base member. Therefore, Futatsugi does not teach all the limitations of claim 1.

Futatsugi does not teach all the limitations of claim 3. More specifically Futatsugi does not teach “wherein said member for holding the card is disposed at an edge portion of said base member opposite to a card fitting side thereof.” Futatsugi discloses a surface mounted connector 40 having an ejector unit 50. Column 5, lines 3-18 of Futatsugi describe how the ejector unit 50 is secured to the surface mounting connector 40. In addition, column 5, lines 42-45 indicate that the ejector unit 50 contains a retaining section 60 for holding an IC card. Therefore, even though the IC card plugs into the surface mounted connector 40, the ejector unit 50 holds the IC card and not the surface mounted connector 40. Furthermore, the ejector unit 50 is positioned at the card fitting side and not opposite the card fitting side. Thus, Futatsugi does not teach where said member for holding the card is disposed at an edge portion

opposite to the card fitting side. Therefore, Futatsugi does not teach all the limitations of claim 3.

Claims 2 and 4 depend from claim thus all argument pertaining to claim 1 are equally applicable to these claims and are herein incorporated by reference.

The Examiner rejected claim 5 under 35 U.S.C. 103(a) as being unpatentable over Futatsugi et al. in view of Haffenden et al., U.S. Pat. No. 6,226,189.

Applicant notes that obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching, suggestion or incentive supporting the combination. *ACS Hospital Systems, Inc. v. Montefiore Hospital*, 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984). Applicant respectfully brings to the Examiner's attention that the card connector disclosed in Futatsugi is a male plug-in type electrical connector. This type of connector is designed to receive an IC card having a female connector. Further, the connector contains an ejector to facilitate the removal of the IC card. The connector disclosed in Haffenden has chevron shaped contacts 35. The Haffenden connector is designed to receive a data card having a flat or similar chevron shaped contact. Even though the connectors disclosed in Futatsugi and Haffenden are both electrical connectors they are very different in the way they mechanically function as described above. Thus, there is no incentive to modify the connector disclosed in Futatsugi to fit into a telephone. Applicant therefore respectfully contends that the Examiner has failed to provide any suggestion as to why or how Futatsugi can be modified to fit into a telephone.

Further, Applicant notes that references are not properly combinable if their intended function is destroyed. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). As mentioned above the connectors disclosed in Futatsugi is a male plug-in type connector that includes an ejector unit. The ejector unit is an integral part of the Futatsugi patent. Modifying the Futatsugi to fit into a telephone would result in an elimination of the ejector unit in order to preserve the size of the phone. Thus, the intended function of the invention disclosed in Futatsugi would be destroyed. Applicant therefore respectfully contends that the references are not properly combinable.

Applicant further notes that claim 5 depends from claim 1 thus all arguments pertaining to claim

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• Appl. No. 09 980,740
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I are equally applicable to claim 5 and are herein incorporated by reference.

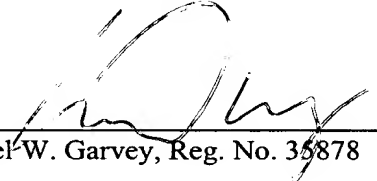
In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 34107.

Respectfully submitted,

PEARNE & GORDON LLP

By:


Michael W. Garvey, Reg. No. 35878

1801 East 9th Street
Suite 1200
Cleveland, Ohio 44114-3108
(216) 579-1700

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